

## RID (Rule Interpretation Decision)

(Use additional sheets as necessary)

Type of RID		Requested Response Time	DSD Assigned RID # 099
Customer RID	<input type="checkbox"/>	24 hours	<input type="checkbox"/>
Internal Staff RID	<input checked="" type="checkbox"/>	5 working days	<input type="checkbox"/>
		As time available	<input checked="" type="checkbox"/>

**1. Project Name:** Parking Lot Reconstruction

**2. Project Number:** NA

(Plat #, Zoning Case #, etc.)

**3. Project Street Address:** NA

(If not available nearest intersection of two public streets)

**4. Applicant Name:** Development Services Staff  
Major Plans

**5. Applicant Address:** 1901 S. Alamo  
San Antonio, Texas 78204

**6. Applicant Telephone #:** (210) 207-0164

**7. Applicant e-mail Address:** NA

**8. Rule in Question:**

Landscape Ordinance requirements for demolition and reconstruction of existing parking lots.

**9. Applicant Position:**

The Unified Development Code is unclear as to whether a rebuild of an existing parking lot constitutes a "new parking lot" which requires landscaping and parking lot shading.

**10. Staff Finding:**

Department policy on this issue has been that typical maintenance of existing parking lots, including milling of the surface layer, asphalt overlay, surface seals and crack sealing, repair of potholes, or restriping, does not require a permit. However, when the pavement structure of an existing lot is completely removed, consisting of surface course and base material down to sub grade, then a permit is required and UDC 35-511, the landscape ordinance, is applicable. This scope of work is often necessary in order to re-compact and/or otherwise improve the sub grade and has been termed a "rebuild" of the existing lot. When rebuilds occur there is opportunity to improve existing

lots, which may not have any planter islands and very little shading, by planting new trees and creating planter islands within the perimeter. The new trees will eventually help lower the heat index and improve overall air quality in the city.

#### **11. Staff Position:**

(Including date position presented internally and name of city staff person formulating position)

**Date:** 3/15/11 **Contact:** Kevin Collins **Contact Telephone #:** (210) 207-0164

The purpose of this RID is to clarify policy in a manner that recognizes the Department objective of improving the overall quality of the environment in San Antonio while balancing the needs of property owners who simply wish to improve or repair their existing parking lots. Staff recommendation is that the reconstruction of a parking lot ("rebuild") be treated the same as the reconstruction of a building in terms of exemption as per UDC 35-511(a)(3)(C) in that when 50% or less of the lot is rebuilt the project shall be exempt from the landscape ordinance. When more than 50% is rebuilt the ordinance shall apply. The exemption shall apply only where the reconstruction will not result in an increase of size to the paved area. When a property has more than one parking area and the individual lots are separated by driveways or other means, each area shall be considered individually for purposes of exemption in that a rebuild greater than 50% of one of the individual parking areas will result in that area being subject to the landscape ordinance.

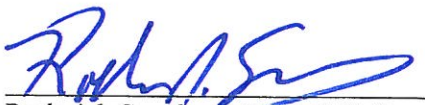
#### **12. Departmental Policy or Action:**

(Including date of presentation of policy or action to the applicant, the effective date of the policy or action, schedule for pursuing an amendment to the code if required and signature of the Director of Development Services)

**Date of policy/action:** 4/4/11

**Effective Date of policy/action:** immediately

The Director concurs with the staff position and directs staff to follow the procedured. Staff is directed to proceed with a UDC amendment in the next amendment cycle.

  
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Roderick Sanchez, AICP, C.B.O.  
Development Services Director

4-4-11  
\_\_\_\_\_  
Date